

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DENNIS O'NEAL LEE

PLAINTIFF

V.

CIVIL ACTION NO. 1:13-CV-566-KS-MTP

RONALD KING, *et al.*

DEFENDANTS

ORDER

On July 31, 2015, the Magistrate Judge entered his Report and Recommendations [62]. Therein, he recommended that the Court deny Plaintiff's Motions for Partial Summary Judgment [28, 32, 37], and grant in part and deny in part Defendants' Motion for Summary Judgment [49]. Specifically, he recommended that the Court dismiss Plaintiff's due process claims against Defendant Herndon, his retaliation claims against Defendants Morris and Sims, and his claims for money damages against Defendants in their official capacities. However, he recommended that the Court deny summary judgment as to Plaintiff's claim for injunctive relief against Defendants; his deliberate indifference claim based on his scalp condition against Defendant King; his deliberate indifference claim based on unwashed hair clippers against Defendants King, Sims, and Davis; and his retaliation claim against Defendant King. The Magistrate Judge provided notice to all parties that they had fourteen days to file a response.

Defendants did not respond to the Report and Recommendations [62], but Plaintiff has filed six different documents in response. [63, 64, 65, 66, 67, 69]. None of Plaintiff's filings address the legal and factual issues discussed in the Magistrate

Judge's Report and Recommendations [62]. Plaintiff has requested that the Court send him additional copies of certain pleadings, but he did not explain why he was unable to respond to the Report and Recommendations [62] without them. Regardless, the Magistrate Judge's recommendations were based on Plaintiff's own pleadings and his admissions in the *Spears* hearing held on October 7, 2014. Accordingly, the requested documents are immaterial to the basis of the Court's decision, and Plaintiff does not need the requested documents to respond.

Finally, the Court notes that Plaintiff's latest filing [69] was received on September 14, 2015, a month and a half after the Report and Recommendations [62] was entered. If Plaintiff has had enough time to draft and send six different filings to this Court in that time period – at a pace of roughly one per week – then he has had more than enough time to provide a substantive response to the Report and Recommendations [62].

Therefore, the Court finds that no party has filed any objection to the Magistrate Judge's Report and Recommendations [62], and the Court adopts them as the findings of the Court. In the event that Plaintiff intended for his various filings [63, 64, 65, 66, 67, 69] to constitute objections to the Report and Recommendations, the Court finds that he wholly failed to address the legal and factual bases of the Magistrate Judge's analysis, and the Court adopts the Report and Recommendations [62] as the findings of the Court.

Accordingly, the Court grants summary judgment in favor of Defendants as to Plaintiff's due process claims against Defendant Herndon, his retaliation claims

against Defendants Morris and Sims, and his claims for money damages against Defendants in their official capacities. But the Court denies summary judgment as to Plaintiff's claim for injunctive relief against Defendants; his deliberate indifference claim based on his scalp condition against Defendant King; his deliberate indifference claim based on unwashed hair clippers against Defendants King, Sims, and Davis; and his retaliation claim against Defendant King.

SO ORDERED AND ADJUDGED, on this, the 21st day of September, 2015.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE